

(12433.029)

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA

ROSS JAY LAWSON,

CASE NO. 00-6009-CIV-DIMITROULEAS
MAGISTRATE JUDGE SORRENTINO

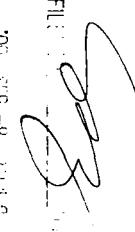
Plaintiff,

v.

KEN JENNE, WILLIAM
HITCHCOCK, BROWARD
COUNTY DEPARTMENT OF
CORRECTIONS AND REHAB.,

Defendants.

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DEFENDANTS', JENNE & HITCHCOCK, PRETRIAL STATEMENT

COME NOW the Defendants, KEN JENNE and WILLIAM HITCHCOCK, by and through their undersigned counsel, and pursuant to this Court's Order dated May 1, 2000, file their pretrial statement, and in support thereof states:

a. Statement of the Case

Plaintiff, ROSS JAY LAWSON, ("LAWSON"), sues Defendants' for an alleged violation his Civil Rights. More specifically, LAWSON has claimed that he has been denied access to certain publications and reading material while an inmate at the Broward County Jail, denied access to the law library, had documents confiscated and

destroyed and has been placed in a high custody cell. Defendants deny that LAWSON's constitutional rights have been violated and further deny that the documents retrieved from LAWSON were destroyed.

b. Statement of Facts

LAWSON is an inmate at Broward County Jail and has submitted written requests that certain publications be delivered to him through the mail. These requests have been denied in accordance with the Broward Sheriff's Office Department of Corrections and Rehabilitation Standard Operating Procedure 5.4.1. This procedure specifically states that inmates are not permitted to receive books, magazines or newspapers through the mail. This procedure is restated in the Broward Sheriff's Office Department of Corrections and Rehabilitation Inmate Handbook.

LAWSON's access to the law library was only denied after his status changed from an inmate in the general population to an inmate in the administrative section due to his behavior. As an inmate in the administrative section, LAWSON was not entitled to law library privileges. Additionally, his status changed when he retained an attorney and was no longer proceeding *pro se*.

c. <u>Exhibit List</u> ¹	<u>Bate Stamp Numbers</u>
1997 grievances filed by Lawson	1-5
1998 grievances filed by Lawson	6-10
1999 grievances filed by Lawson	11-51
2000 grievances filed by Lawson	52-68
11/23/99 memo from McManus re: lost documents	69
2/23/99 memo from Bechard re: response to Lawson complaints	70-75
Lawson's law library schedule	76-77
Lawson's e-card file	78-84
Lawson's contact cards	85-95
Lawson's posting sheets	96-98
Complaint affidavits against Lawson	99-110
10/3/96 memo from McCampbell re: revision of SOP 5.4.1	111
Lawson's segregation review forms	112-115
Lawson's disciplinary reports and committee action sheets	116-130

¹A copy of all documents listed on Defendants' Exhibit List are attached to Plaintiff's copy of Defendants' Pretrial Statement.

Standard Operating Procedure 5.4.1	131-140
Lawson's classification review forms	141-147
Lawson's relocation request forms	148-152
Lawson's relocation passes	153-155
EMSA medical passes	156-163

d. & f. Witnesses and Summary of Testimony

(all witnesses except Plaintiff available through the Broward Sheriff's Office)

1. Sheriff Ken Jenne
Will testify to the implementation and enforcement of the Standard Operating Procedure (SOP's).
2. William Hitchcock
Will testify to the enforcement of SOP's, the documents taken from LAWSON and why LAWSON was denied access to the law library.
3. Susan McCampbell
Will testify to the procedure for reviewing and approving SOP's.
4. F. Patrick Tighe
Will testify to the procedure for reviewing and approving SOP's.
5. Sharron Freeman
Will testify as to the receiving of books for the Leisure Library.
6. Bennie Johnson
Will testify as to the receiving of books for the Leisure Library.
7. Betty Williams
Will testify as to the complaints received by the Lieutenant Colonel.

8. Linda Kristofik
Will testify as to the coordinating of magazines and newspapers through the inmate welface account.
9. Marques Gibson
Will testify as to the procedures for reviewing and revising the SOP's.
10. George Rimmel
Will testify as to the procedures for preparing SOP's for review.
11. Juliann Mellot
Will testify as to the research of claims in Risk Management.
12. Deputy J. McManus
Will testify to the documents that were reviewed from Lawson's cell.
13. Michael Bechard
Will testify to the complaints filed by Lawson.
14. Ross Jay Lawson
15. All witnesses listed by Plaintiff.
16. Defendants reserve the right to supplement this list upon timely notice to all parties.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing was sent via U.S. Mail this 8th day of September, 2000 to: ROSS JAY LAWSON, Pro Se Plaintiff, FL 97-9905, Post Office Box 9356, Fort Lauderdale, Florida 33310.

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